

Notice of Allowability

Application No.

10/021,436

Examiner

Daniel R. Sellers

Applicant(s)

YABE ET AL.

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/6/06.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-9 are allowed.
2. The following is an examiner's statement of reasons for allowance:
3. The prior art does not teach or make obvious the feature of a control device, when an external audio signal is supplied to the first speaker outputting the audio signal corresponding to the first volume levels, the control device increases the second, or other, volume level and simultaneously attenuates the main volume level by a predetermined amount.

The admitted prior art, as shown in figure 6 and described in pages 1-4, teaches that a balance control device attenuates the second level (i.e. the rear speaker level (108) before time Z in Fig. 7) by a predetermined amount from the main volume level (104) and when an external audio signal is supplied to the speakers outputting the first volume level, which has not been attenuated (i.e. the front speaker level (106) at time Z in Fig. 7), the control device controls the balance control to attenuate the first volume level (i.e. the front speaker level to the right of Z in Fig. 7). However, the admitted prior art does not teach that the control device attenuates the main volume (104), and instead teaches that the second volume level is raised to the level of the main volume after an external sound source is applied. This does not make obvious the feature of a control device with the above features.

Venkatesh, previously cited, does not teach or suggest, alone or in combination, the control device with the above features. Instead, Venkatesh teaches noise

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suppression and privacy features (Col. 21, lines 7-22, lines 51-67, Col. 22, lines 35-53, Col. 24, lines 4-36 and Col. 25, line 18 - Col. 26, line 24). Venkatesh teaches an environment that is similar (Col. 4, line 58 - Col. 5, line 3), but it does not teach or suggest the control device with the above features.

Eggers et al, (USPN 5,692,058), previously cited, teaches a dual audio program system that defines a foreground and background volume level and a main volume level (Col. 1, line 50 - Col. 2, line 5, Col. 3, lines 17-53, and Col. 4, lines 30-67), but it does not teach or suggest the control device with the above features. Eggers et al. only mentions that background and foreground programs can be interchanged gradually and continuously (abstract). Eggers et al., alone or in combination, does not teach or suggest the claimed features.

Likewise, previously cited art, Huemann does not teach or suggest the above features. Huemann instead chooses to disconnect external speakers when headphones are used in the rear portion of a vehicle (Col. 2, lines 30-42, Col. 3, lines 20-32, and Fig. 2). Huemann, alone or in combination, does not teach or suggest the claimed features.

Finally, previously cited art, Nicholson, also, does not teach or suggest the above features. Nicholson teaches the step of muting all audio and restoring the audio levels to prior conditions when an external event happens, such as selecting between two playback modes (Col. 4, line 66 - Col. 5, line 19, and Fig. 3-5).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



SINH TRAN
SUPERVISORY PATENT EXAMINER

DRS